

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALLAN M. BROWN,

Plaintiff,

v.

Case No. 24-cv-605-pp

SGT. KOSTERMAN, *et al.*,

Defendants.

**ORDER DENYING AS MOOT PLAINTIFF'S MOTION FOR LEAVE TO
PROCEED WITHOUT PREPAYING FILING FEE (DKT. NO. 7) AND
DISMISSING CASE WITHOUT PREJUDICE FOR PLAINTIFF'S FAILURE TO
PAY INITIAL PARTIAL FILING FEE AND FAILURE TO COMPLY WITH
COURT ORDER**

On May 21, 2024, the court ordered that by the end of the day on June 11, 2024, plaintiff Allan M. Brown (who is incarcerated at Columbia Correctional Institution) must either pay an initial partial filing fee of \$5.33 or provide the court with an explanation of why he could not do so. Dkt. No. 5. The court advised the plaintiff that if it “[did] not *receive* the initial partial filing fee (or the plaintiff’s request for an extension of time)” by June 11, 2024, “the court will conclude that the plaintiff does not want to continue with the lawsuit and will dismiss the lawsuit without prejudice.” *Id.* at 4. On June 10, 2024, the court issued a text-only order granting the plaintiff’s motion to extend his deadline for paying the fee, ordering him to pay it by July 2, 2024. Dkt. No. 9. The June 10, 2024 order emphasized that it did *not* apply to the plaintiff’s deadline to pay the same \$5.33 initial partial filing fee in his other case before

this court, Case No. 24-cv-587. Id. On June 11, 2024—his initial deadline to pay the fee in this case—the court received from the plaintiff the initial partial filing fee in his other case.

The July 2, 2024 deadline has passed, and the plaintiff has neither paid the initial partial filing fee in this case nor explained why he cannot do so. Nor has the court received another request from the plaintiff to extend his deadline to pay the fee. At the time he filed his complaint, the plaintiff was incarcerated at Columbia Correctional Institution in Portage, Wisconsin. Dkt. No. 1 at 1, 5. The Wisconsin Department of Corrections locator web site reflects that the plaintiff continues to be housed there. <https://appsdoc.wi.gov/lop/details/detail> (for Allan M. Brown, Register #00725888). The court mailed the June 10, 2024 order to the plaintiff at Columbia and the order has not been returned to the court as undeliverable. The court will enforce its May 21, 2024 order and will dismiss this case without prejudice for the plaintiff's failure to pay the initial partial filing fee. He remains obligated to pay the full \$350 filing fee.

The court **DENIES AS MOOT** the plaintiff's motion for leave to proceed without prepayment of the filing fee. Dkt. No. 7.

The court **ORDERS** that, in accordance with 28 U.S.C. §1915(b)(1), the plaintiff is required to pay the mandatory \$350 statutory filing fee. The court **ORDERS** that the agency that has custody of the plaintiff must collect from his institution trust account the **\$350** filing fee by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the plaintiff's trust account and

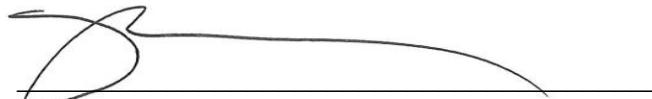
forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The agency must clearly identify the payments by the case name and number. If the plaintiff transfers to another county, state or federal institution, the transferring institution must forward a copy of this order, along with the plaintiff's remaining balance, to the receiving institution.

The court will send a copy of this order to Columbia Correctional Institution, where the plaintiff is confined.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** for the plaintiff's failure to pay the initial partial filing fee and for his failure to comply with the court's order. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 17th day of July, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge